MINING SITES

HYDROCARBON CONTAMINATED SOIL DEFINITIONS AND GUIDELINES

NRS 445.223 ALLOWS FOR THE ISSUANCE OF A "**GENERAL PERMIT**"

The Nevada Division of Environmental Protection's goal is to keep soil contaminated with hydrocarbons from degrading "Waters of the State".

Mining operations proposing the on-site treatment and/or disposal of hydrocarbon contaminated soil generated by the facility as a direct result of mining activities resulting from accidental spills or releases, or from pre-characterized sumps and oil/water separators, must apply for a **"general" or "individual" permit**. Issued permits will allow the operator to construct and manage a **Bioremediation Facility** for active treatment of non-hazardous soil contaminated by hydrocarbons from spills which have occurred during operations. Mine operators who do not apply for a "general" or "individual" permit to construct and manage a Bioremediation Facility cannot dispose of hydrocarbon contaminated soil on site. Those operations electing not to obtain a permit will have to dispose of these soils off-site in accordance with local, state and federal regulations.

Mining operations applying for a "general" or "individual" permit to operate a Bioremediation Facility on public lands must obtain approval from the applicable land management agency prior to construction and operation.

DEFINITIONS:

"Permitted Material" means, except as identified below, material contaminated with hydrocarbons related to mining activities, including soil contaminated with unforeseen releases or spills of hydrocarbons and hydrocarbon-contaminated material from sumps in maintenance buildings, vehicular wash areas and oil/water separators. Permitted Material also includes enhancement solutions or additives introduced to enhance bioremediation (e.g., water, nutrients and bacteria). Permitted Material does not include:

1. Liquid hydrocarbons;

2. Material defined as hazardous waste under 40 CFR 261.3 (1994);

3. Waste oil products that may practicably be recycled;

4. Material generated from sumps in a maintenance building or vehicular wash area or from an oil/water separator that has not passed a Toxicity Characteristic Leaching Procedure (TCLP, Method 1311) analysis, or has not been specified by the facility as having been generated from a characterized waste stream; or

5. Material that contains beneficiation process fluids, as defined by NAC 445.24252.

GENERAL PERMIT:

Mining operations applying for coverage under the **"general"** permit for the construction and management of a Bioremediation Facility, must submit an application (enclosed) to the Nevada Division of Environmental Protection (NDEP), Bureau of Mining Regulation and Reclamation. The application must be accompanied by an application fee of two hundred dollars ($200.00), a complete description of the design and operation of the proposed facility which must be consistent with the minimum design criteria specific for Bioremediation Facilities, and a schedule of construction. An annual review and service fee of two hundred dollars ($200.00) will be due on or before July 1 of each year. Mine operations with an existing, active Bioremediation Facility must apply by September 1, 1995. New mine operations or those without an active Bioremediation Facility must obtain permit authorization before commencing hydrocarbon bioremediation activity. Upon approval of the application a letter of inclusion and authorization will be sent to the applicant.

To qualify for the general permit the operation must meet the following minimum design criteria:

1) Cell liners must meet the requirements of NAC 445.2437, Minimum design criteria: Liners.

2) A QA/QC plan must be provided with the permit application, and a QC report must be submitted within thirty (30) days after the completion of construction. For cells with a soil liner, the liner design plan, QA/QC plan and QC report must be prepared and submitted to NDEP by a professional engineer registered in Nevada.

3) Each cell must have a perimeter containment berm at least three (3) feet in height with the liner extending over the crest of the berm. Synthetic liners must be securely anchored at the outer edge of the berm.

4) Cells must be sized so that their operation can be actively managed by the facility. In no case may the total surface area of an individual cell exceed twenty-five thousand (25,000) square feet.

INDIVIDUAL PERMIT:

To construct a Bioremediation Facility which does not meet the minimum design criteria, mining operations may apply for an **"individual"** permit. An application fee of two hundred fifty dollars ($250.00) is required and the annual review and service fee of five hundred dollars ($500.00) will be due on or before July 1 of each year. A complete application with design drawing, management plans, monitoring schedules and a clear demonstration that "Waters of the State" will not be degraded is required. Individual permits require a public notice and comment period and will require a review by the Bureau of Air Quality to determine if additional monitoring and/or permits may be required.

WILDLIFE NOTE:

If ponding of solution occurs on a regular basis, wildlife protective measures as prescribed by the Nevada Division of Wildlife must be implemented.

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